

Senate File 498 - Introduced

SENATE FILE 498
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 292)

A BILL FOR

1 An Act relating to writing fees required for certain
2 all-terrain vehicle, snowmobile, and water vessel
3 transactions completed by a county recorder.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321G.27, subsection 1, paragraphs a, b,
2 and c, Code 2023, are amended by striking the paragraphs.

3 Sec. 2. Section 321G.27, subsection 1, Code 2023, is amended
4 by adding the following new paragraph:

5 NEW PARAGRAPH. *Od.* The county recorder shall collect
6 a writing fee of one dollar and twenty-five cents for each
7 privilege under this chapter.

8 Sec. 3. Section 321G.29, subsection 3, Code 2023, is amended
9 to read as follows:

10 3. An owner of a snowmobile shall apply to the county
11 recorder for issuance of a certificate of title within thirty
12 days after acquisition. The application shall be on forms
13 the department prescribes and accompanied by the required fee
14 specified in section 321G.30 and the writing fee specified in
15 section 321G.27. The application shall include a certification
16 signed in writing containing substantially the representation
17 that statements made are true and correct to the best of the
18 applicant's knowledge, information, and belief, under penalty
19 of perjury. The application shall contain the date of sale
20 and gross price of the snowmobile or the fair market value if
21 no sale immediately preceded the transfer and any additional
22 information the department requires. If the application is
23 made for a snowmobile last previously registered or titled in
24 another state or foreign country, the application shall contain
25 this information and any other information the department
26 requires.

27 Sec. 4. Section 321G.31, Code 2023, is amended to read as
28 follows:

29 **321G.31 Transfer or repossession by operation of law.**

30 1. If ownership of a snowmobile is transferred by
31 operation of law, such as by inheritance, order in bankruptcy,
32 insolvency, replevin, or execution sale, the transferee, within
33 thirty days after acquiring the right to possession of the
34 snowmobile, shall mail or deliver to the county recorder of
35 the transferee's county of residence satisfactory proof of

1 ownership as the county recorder requires, together with an
 2 application for a new certificate of title, and the required
 3 fee, plus the writing fee specified in section 321G.27.
 4 However, if the transferee is the surviving spouse of the
 5 deceased owner, the county recorder shall waive the required
 6 fee fees.

7 2. If a lienholder repossesses a snowmobile by operation of
 8 law and holds it for resale, the lienholder shall secure a new
 9 certificate of title and shall pay the required fee, plus the
 10 writing fee specified in section 321G.27.

11 Sec. 5. Section 321G.32, subsection 1, Code 2023, is amended
 12 by adding the following new paragraph:

13 NEW PARAGRAPH. c. The application shall be accompanied by
 14 the writing fee specified in section 321G.27.

15 Sec. 6. Section 321I.29, subsection 1, paragraphs a, b, and
 16 c, Code 2023, are amended by striking the paragraphs.

17 Sec. 7. Section 321I.29, subsection 1, Code 2023, is amended
 18 by adding the following new paragraph:

19 NEW PARAGRAPH. *od.* The county recorder shall collect
 20 a writing fee of one dollar and twenty-five cents for each
 21 privilege under this chapter.

22 Sec. 8. Section 321I.31, subsection 3, Code 2023, is amended
 23 to read as follows:

24 3. An owner of an all-terrain vehicle shall apply to
 25 the county recorder for issuance of a certificate of title
 26 within thirty days after acquisition. The application shall
 27 be on forms the department prescribes and accompanied by the
 28 required fee specified in section 321I.32 and the writing fee
 29 specified in section 321I.29. The application shall include a
 30 certification signed in writing containing substantially the
 31 representation that statements made are true and correct to the
 32 best of the applicant's knowledge, information, and belief,
 33 under penalty of perjury. The application shall contain the
 34 date of sale and gross price of the all-terrain vehicle or the
 35 fair market value if no sale immediately preceded the transfer

1 and any additional information the department requires. If the
2 application is made for an all-terrain vehicle last previously
3 registered or titled in another state or foreign country,
4 the application shall contain this information and any other
5 information the department requires.

6 Sec. 9. Section 321I.33, Code 2023, is amended to read as
7 follows:

8 **321I.33 Transfer or repossession by operation of law.**

9 1. If ownership of an all-terrain vehicle is transferred by
10 operation of law, such as by inheritance, order in bankruptcy,
11 insolvency, replevin, or execution sale, the transferee,
12 within thirty days after acquiring the right to possession of
13 the all-terrain vehicle, shall mail or deliver to the county
14 recorder of the transferee's county of residence satisfactory
15 proof of ownership as the county recorder requires, together
16 with an application for a new certificate of title, and
17 the required fee, plus the writing fee specified in section
18 321I.29. However, if the transferee is the surviving spouse
19 of the deceased owner, the county recorder shall waive the
20 required fee fees.

21 2. If a lienholder repossesses an all-terrain vehicle by
22 operation of law and holds it for resale, the lienholder shall
23 secure a new certificate of title and shall pay the required
24 fee, plus the writing fee specified in section 321I.29.

25 Sec. 10. Section 321I.34, subsection 1, Code 2023, is
26 amended by adding the following new paragraph:

27 NEW PARAGRAPH. c. The application shall be accompanied by
28 the writing fee specified in section 321I.29.

29 Sec. 11. Section 462A.77, subsection 4, Code 2023, is
30 amended to read as follows:

31 4. Every owner of a vessel subject to titling under this
32 chapter shall apply to the county recorder for issuance of a
33 certificate of title for the vessel within thirty days after
34 acquisition. The application shall be on forms the department
35 prescribes, and accompanied by the required fee specified

1 in section 462A.78 and the writing fee specified in section
2 462A.53. The application shall be signed and shall include a
3 certification signed in writing containing substantially the
4 representation that statements made are true and correct to the
5 best of the applicant's knowledge, information, and belief,
6 under penalty of perjury. The application shall contain
7 the date of sale and gross price of the vessel or the fair
8 market value if no sale immediately preceded the transfer, and
9 any additional information the department requires. If the
10 application is made for a vessel last previously registered or
11 titled in another state or foreign country, it shall contain
12 this information and any other information the department
13 requires.

14 Sec. 12. Section 462A.82, subsections 1 and 2, Code 2023,
15 are amended to read as follows:

16 1. If ownership of a vessel is transferred by operation of
17 law, such as by inheritance, order in bankruptcy, insolvency,
18 replevin, execution sale, or in compliance with [section 578A.7](#),
19 the transferee, within thirty days after acquiring the right
20 to possession of the vessel by operation of law, shall mail or
21 deliver to the county recorder satisfactory proof of ownership
22 as the county recorder requires, together with an application
23 for a new certificate of title, and the required fee, plus the
24 writing fee specified in section 462A.53. However, if the
25 transferee is the surviving spouse of the deceased owner, the
26 county recorder shall waive the required fee fees. A title tax
27 is not required on these transactions.

28 2. If a lienholder repossesses a vessel by operation of
29 law and holds it for resale, the lienholder shall secure a new
30 certificate of title and shall pay the required fee, plus the
31 writing fee specified in section 462A.53.

32 Sec. 13. Section 462A.84, subsection 1, Code 2023, is
33 amended by adding the following new paragraph:

34 NEW PARAGRAPH. c. The application shall be accompanied by
35 the writing fee specified in section 462A.53.

1 EXPLANATION

2 The inclusion of this explanation does not constitute agreement with
3 the explanation's substance by the members of the general assembly.

4 This bill relates to writing fees required for certain all-
5 terrain vehicle, snowmobile, and water vessel transactions
6 completed by a county recorder.

7 WATER VESSELS. Under current law, a county recorder
8 collects a writing fee of \$1.25 for "each privilege" under
9 Code chapter 462A (water navigation regulations). A writing
10 fee is paid by the boat owner to the county recorder for
11 handling the transaction. The writing fee is specifically
12 required with applications for registration, including new
13 or duplicate certificates of registration (Code section
14 462A.5). The writing fee is also specifically required for
15 transfers of ownership of vessels with an expired registration,
16 due when the transferee pays all applicable fees for the
17 current registration period (Code section 462A.43), and with
18 applications for transfer (Code section 462A.44). The writing
19 fee is not specifically mentioned for applications for issuance
20 of a certificate of title (Code section 462A.77), which
21 requires the application to be accompanied by the required
22 fee. The required fee for issuance of a certificate of title,
23 a transfer of title, a duplicate, or a corrected certificate
24 of title is \$5 plus a surcharge of \$5 (Code section 462A.78).
25 Likewise, the writing fee is not specifically mentioned for
26 perfection of a security interest, for which the application
27 fee is \$5 (Code section 462A.84). The bill specifies that
28 applications for a certificate of title or perfection of a
29 security interest are subject to the writing fee.

30 SNOWMOBILES AND ALL-TERRAIN VEHICLES. In contrast to water
31 vessels, the writing fee provisions for snowmobiles and all-
32 terrain vehicles explicitly impose the \$1.25 writing fee only
33 for registration or renewal, user permits, and duplicate
34 special registration certificates (Code sections 321G.27 and
35 321I.29). The bill alters these provisions to instead apply

1 to "each privilege" under the respective Code chapter, and
2 specifies that applications for a certificate of title or
3 perfection of a security interest are subject to the writing
4 fee.

5 Current law provides that a license agent shall collect a
6 writing fee of \$1 for each snowmobile or all-terrain vehicle
7 registration or renewal and for the sale of each user permit.
8 The bill does not amend these provisions.